IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2219 OF 2004.

Mr. Vijay Jaykumar Agarwal ..Petitioner
V/s
The State of Maharashtra ..Respondents.

Mr. Shriniwas Kamble i/b Mr. A.M. Saraogi for the petiioner.

Mrs. M.H. Mhatre,APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 17TH OCTOBER, 2006.

P.C.

1. Heard Shri Saraogi for the petitioner. In all fairness it is pointed out that the issue raised in this petition is whether the petitioner can be prosecuted for the offence under Section 138 r/w Section 141 of the Negotiable Instruments Act, once the relationship as Director of the Company ceases in law.

2. Needless to state that taking cognizance of such issue would necessarily require going into the validity of the resignation allegedly tendered, accepted and intimated to the authorities. In other words, whether the resignation has taken effect in law or not is

something which can be decided when all materials are produced and taken on record in accordance with law. Hence, this is not the stage for taking note of the grievances and the issue raised in this petition. It would be open for the petitioner to raise this issue at an appropriate stage after producing such materials as are permissible in law. All contentions are kept open. Petition is disposed of.

(S.C. DHARMADHIKARI, J.)